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*Admitted Pro Hac Vice*

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
In re:	:	Chapter 11
MOTORS LIQUIDATION COMPANY, et al.,	:	Case No.: 09-50026 (MG)
f/k/a General Motors Corp., et al.,	:	
	:	
Debtors.	:	(Jointly Administered)
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**STATEMENT OF ISSUES AND DESIGNATION OF RECORD ON APPEAL**

By and through her undersigned counsel, Kaitlyn Reichwaldt submits this Statement of Issues and Designation of Record on Appeal pursuant to Rule 8009(a) of the Federal Rules of Bankruptcy Procedure with respect to her appeal from the *Memorandum Opinion and Order Enforcing Provisions of Sale Order Regarding Assumption of Liability of Product Liability Claims of Kaitlyn Reichwaldt*, dated August 31, 2017 (ECF No. 14087) (the “**Order**”), and states as follows:<sup>1</sup>

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings given to them in the Order.

### **STATEMENT OF ISSUES**

This appeal by Ms. Reichwaldt addresses the following issues:

- 1) Did the Bankruptcy Court err in holding that New GM did not assume liability for punitive damages as part of the 2009 Sale Agreement between New GM and Old GM?
- 2) Did the Bankruptcy Court err in holding that Kaitlyn Reichwaldt was barred by *res judicata* from arguing in response to the Motion (Doc. 14016) that New GM assumed liability for punitive damages as part of the 2009 Sale Agreement between New GM and Old GM?
- 3) Did the Bankruptcy Court err in holding that it should adhere to the Bankruptcy Court's prior rulings that New GM did not assume liability for punitive damages as part of the 2009 Sale Agreement between New GM and Old GM because those rulings were the "law of the case"?

**DESIGNATED ITEMS**

Ms. Reichwaldt designates the following items for inclusion in the record on appeal

(including any exhibit, annex, or addendum thereto):

<b><u>Description</u></b>	<b><u>Filing Date</u></b>	<b><u>Docket No.</u></b>
1. Motion By General Motors LLC To Enforce the Bankruptcy Court's July 5, 2009 Sale Order And Injunction And The Rulings In Connection Therewith, With Respect To The Reichwaldt Plaintiff	7/28/2017	14016
2. Plaintiff's Objection to Motion by General Motors LLC Pursuant to 11 U.S.C. §§ 105 and 363 to Enforce the Bankruptcy Court's July 5, 2009 Order and Injunction, and the Rulings in Connection Therewith, With Respect to the Reichwaldt Plaintiff	8/18/2017	14068
3. Reply Brief by General Motors LLC to Objection to Motion To Enforce the Bankruptcy Courts July 5, 2009 Sale Order And Injunction And The Rulings In Connection Therewith, With Respect To The Reichwaldt Plaintiff	8/25/2017	14081
4. Memorandum Opinion and Order Enforcing Provisions of Sale Order Regarding Assumption of Liability of Product Liability Claims of Kaitlyn Reichwaldt	8/31/2017	14087
5. Transcript Regarding Hearing Held on August 29, 2017	9/1/2017	14088
6. Notice of Appeal filed by Kaitlyn Reichwaldt	9/14/2017	14104
7. Order Vacating Stay Issued in Memorandum Opinion and Order Enforcing Provisions of Sale Order Regarding Assumption of Liability of Product Liability Claims of Kaitlyn Reichwaldt	9/19/2017	14111

Dated: September 28, 2017

Respectfully submitted,

**BUTLER WOOTEN & PEAK LLP**

By /s/ Robert H. Snyder  
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